

# Another Goldfarb Scrimmage: No Gain

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An Appellate Division justice of the State Supreme Court made it official and final yesterday: "ohn Goldfarb, Please Come Home" will not open anywhere in the world on Christmas Day.

Presiding Justice Bernard Botein of the Appellate Division denied a request from 20th Century-Fox for a stay of the temporary injunction granted Thursday by Justice Henry Clay Greenberg.

And Justice Botein said an appeal on the injunction cannot be heard before Jan. 5—11 days after the \$4 million movie had been scheduled to open.

Frederick Pride, attorney for 20th Century-Fox, said he would taken an appeal up to the United States Supreme Court if necessary. Mr. Pride had raised the issue of freedom of speech in his arguments before justice Greenberg on Dec. 10, and the justice discussed the question in his decision Thursday.

The temporary injunction banning the showing of the movie was granted on request of the University of Notre Dame, which claimed that 20th Century-Fox misappropriated its name and reputation and the reputation of its football team in making the film. Justice Greenberg

agreed, calling it "a clear case of commercial piracy."

The movie concerns the efforts of a mythical Arab king to field a football team that can beat Notre Dame—efforts in which he is successful in the film.

The injunction also forbids the further distribution and sale of a hardcover book published by Doubleday and Co. and a paperback published by Fawcett Publications, both entitled "John Goldfarb, Please Come Home."

A spokesman for 20th Century-Fox said yesterday that the 200 theaters across the nation that had booked the film have been offered an-

other one by Fox, "The Pleasure Seekers." All but one of the 23 theaters that scheduled the movie in New York have accepted the substitute. The exception is Cinema I, which has not decided.

The spokesman said not every theater could accept the substitute because, in some cases, a competing theater already booked it. The spokesman said other film companies would probably be hurrying to book films with theaters that could not show "John Goldfarb."

The spokesman said 20th Century-Fox had canceled newspaper advertisements for "John Goldfab" on Thursday after learning of the decision.

In some cases, he said, the ads could not be pulled because deadlines had passed. Television and radio time bought by 20th Century-Fox will be used to advertise "The Pleasure Seekers," the spokesman said.

Doubleday and Co. refused to comment on what steps it was taking to comply with the injunction. A spokesman for Fawcett Publications said the company will "do everything we have to," but would not elaborate. The attorney for Fawcett had noted in his arguments before Justice Greenberg on Dec. 10 that Fawcett no longer has control over copies already distributed to bookstores.